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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

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7 THOMAS ERIC CONMY,

8 Movant,

9 v.

10 UNITED STATES OF AMERICA,

11 Respondent.

Case No. 2:05-CR-83-KJD-GWF

ORDER

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13 Before the Court is Movant Thomas Conmy's ("Conmy") Motion to Allow for Filing Out
14 of Time for "Excusable Neglect" (#130). Also before the Court is Conmy's Motion for
15 Reclarification as to the Court's Order #129 (#131).

16 Conmy's Motion for Filing Out of Time for Excusable Neglect (#130) is **HEREBY**
17 **DENIED**. First, the motion does not appear to be properly before this Court as it is addressed to
18 the Ninth Circuit Court of Appeals. Second, this Court lacks the authority to administer relief.
19 Conmy asks the Court to find excusable neglect and permit Conmy to proceed with his appeal
20 before the Ninth Circuit despite failing to file within the 60 day window provided in 28 U.S.C. §
21 2107(b), which is the statute relied on by the Ninth Circuit in dismissing Conmy's appeal. Even
22 if this Court were persuaded by Conmy's assertions, it lacks authority to adjudicate matters
23 properly before the Ninth Circuit. Should Conmy desire to pursue this matter further, he must do
24 so before the Ninth Circuit Court of Appeals.

25 Conmy's Motion for Reclarification as to the Court's Order #129 (#131) is **HEREBY**
26 **GRANTED**. The Court will construe Conmy's motion as one for clarification of Order #114,

1 which is the actual relief sought here. Order #114 granted the motion for extended briefing,
2 considered the briefing, and disposed of the case. To the extent Conmy desires to submit
3 additional briefing *now*, such a motion would be denied as moot because this issue was fully and
4 fairly decided in 2011.

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6 DATED this 28th day of May 2014.

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10 Kent J. Dawson
United States District Judge
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